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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,800	12/09/2000	William S. Rickards III		2577

7590

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EXAMINER

CHAVIS, JOHN Q

ART UNIT

PAPER NUMBER

2124

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,800

Applicant(s)

RICKARDS ET AL.

Examiner

John Q. Chavis

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12-9-00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.

The disclosure is objected to because of the following informalities: it is single spaced. The claims should also be double spaced.

Appropriate correction is required.

Claim Objections

2. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Regarding claims 1-40, the word "means" is preceded by the word(s) "providing" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Art Unit: 2124

The term “ providing” is not clear in the claims 1 and 39; since, it is not clear if the term indicates something that is being created, enabled, or merely accessing something that already exists. The term is being interpreted as accessing memory, input means, output means, etc. The dependent claims do not provide clarity for the problems indicated in their respective parent claim. Furthermore, no clear antecedent basis is provided for “ association” in claim 16.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Rich et al. (5,819,243).

CLAIMS:

Rich

1) A method of segmenting a software work product, comprising the steps of:
a) providing a memory that is able to

See the last line of the abstract and col. 5 lines 14-20.
See the fourth sentence of the

store data at a series of addresses in
said memory,

abstract.

b) providing an input means that at
least one agent can use to store data
in said memory at said respective
series of addresses,

See again col. 5 lines 14-20.

c) storing said data in said memory
at said series of addresses,

See the fourth and fifth sentences
of the abstract.

d) providing an output device which is
operatively connected to said memory
for presenting to an output space of at
least one dimension discernable to at
least one agent, said data stored in
said memory at said series of
addresses,

See col. 5 lines 36-44.

e) providing a means that at least one
agent can manipulate to indicate any
and all parts of said output space in a
manner that at least one agent can
continue to manipulate to indicate

See col. 5 lines 45-61.

smaller and smaller parts of parts
until subsets of parts can no longer
be indicated,

f) providing a means to isolate and
separately identify said parts,

See col. 6 lines 1-8.

g) providing a means to store in said
memory at a series of addresses said
isolated and separately identified said
parts, whereby at least one agent can
easily divide the software work product
in a manner that adds greater utility
while no longer treating the software
work product as a monolith that can
not be divided.

See col. 6 lines 21-38.

2) The method of segmenting a
software work product of claim 1,
further including a means for at least
one agent to separately control the
actions on said parts while not
allowing at least one other agent the

This features is inherent via col.
8 lines 27-43; which, identifies
who should perform the current
purpose of a step in the current
recipe.

means to separately control the
actions on said parts.

3) The method of segmenting a
software work product of claim 2,
wherein said means for at least one
agent to separately control the actions
on said parts is providing a means to
modify said parts.

See col. 7 lines 48-65.

4) The method of segmenting a
software work product of claim 3,
further including the steps of:
a) providing a means to store in said
memory a copy of said modified parts,
b) providing a means whereby at least
one agent who has control of said parts
can present to said output space the
copy of said parts stored in a series of
addresses in said memory in a way that
replaces the existing said parts in
said output space.

See col. 10 lines 42-64.

5) The method of segmenting a software work product of claim 3, further including the steps of:

a) providing a means whereby at least one agent who has control of said parts can present to said output space the said parts under the control of all other agents, stored in a series of addresses in said memory, in a way without causing modification to said parts under control of said agent.

See col. 9 lines 36-51 and col. 3 lines 59-65.

6) The method of segmenting a software work product of claim 2, wherein said means for at least one agent to separately control the actions on said parts is a means comprising the steps of:

a) providing a means to no longer isolate and separately identify said parts,

See the cited portion of claims 4.

b) providing a means to disassociate
said parts stored in said memory at
said series of addresses.

7) The method of segmenting a
4.

See again the rejection of claim

software work product of claim 2,
wherein said means for at least one
agent to separately control the
actions on said parts is a means
comprising the steps of:

a) providing a means to remove
said parts,
b) providing a means to no longer
isolate and separately identify said
parts,
c) providing a means to disassociate
said parts stored in said memory at
said series of addresses.

8) The method of segmenting a
software work product of claim 2,

See col. 12 lines 1-12 and fig. 3.

wherein at least one agent who has
said means to separately control the
actions on said parts can perform
these actions in a separate
geographic location from at least one
agent who has the means to
separately control the actions on
other said parts.

9) The method of segmenting a
software work product of claim 2,
wherein at least one agent who has
said means to separately control the
actions on said parts can perform
these actions at a different time as at
least one agent who has the means
to separately control the actions on
other said parts.

See col. 12 lines 14-20.

10) The method of segmenting a
software work product of claim 2,
wherein at least one agent who has

See the rejection of claim 9.

said means to separately control the actions on said parts can perform these actions at the same geographic location from at least one agent who has the means to separately control the actions on other said parts.

11) The method of segmenting a software work product of claim 2, wherein at least one agent who has said means to separately control the actions on said parts can perform these actions at the same time as at least one agent who has the means to separately control the actions on other said parts.

See the rejection of claim 9.

12) The method of segmenting a software work product of claim 2, wherein at least one agent who has means to separately control the actions on said parts can perform these actions

See again the rejection of claim 2.

when said memory is not accessible by
at least one other agent.

13) The method of segmenting a
software work product of claim 12,
further including the steps of:
a) providing a means for at least one
agent who has means to separately
control the actions of said parts to
transition from where said memory is
not accessible by at least one other
agent to where said memory is
accessible by at least one other
agent,

b) providing a means whereby said
memory that is not accessible by at
least one other agent and stores said
parts will move copies of said parts
under the control of at least one agent
to the memory that is accessible by at
least one other agent.

See again col. 12 lines 14-58;
which, inherently implies that one
has control of transactions between
a specific user.

This feature is considered inherent
once reservations are completed
to enable updates to seating
availability to avoid overbooking.

This feature is considered inherently
specifically required when agents
are not airline employees.

14) The method of segmenting a software work product of claim 2, wherein at least one agent who does not have the means to separately control the actions on said parts can perform these actions when said memory is not accessible by at least one other agent.

See again the rejection of claim 13 above.

15) The method of segmenting a software work product of claim 14, further including the steps of:

- a) providing a means for at least one agent who does not have the means to separately control the actions of said parts to transition from where said memory is not accessible by at least one other agent to where said memory is accessible by at least one other agent,
- b) providing a means whereby said

See the rejection of claim 14 above.

memory that is not accessible by at least one other agent and stores said parts will be compared to said parts under the control of at least one other agent,

c) providing a means whereby at least one agent who does not have control can automatically create a new software work product that is an alternative to said parts under control of at least one other agent,

d) providing a means so that said new software work product is associated with said parts of existing software work product,

e) providing a means to store in said memory said association.

16) The method of segmenting a software work product of claim 2, wherein at least one agent who has

means to separately control the actions
on said parts can perform these actions
when said memory is accessible by at
least one other agent.

17) The method of segmenting a
software work product of claim 16,
further including the steps of:
a) providing a means for said agent to
automatically transmit to said output
space of at least one other agent data
about said actions.

See the rejection of claim 9.

18) The method of segmenting a
software work product of claim 2,
further including the steps of:
a) providing a means for at least one
agent to separately control the actions
of one subpart of said parts alone and
separate from said parts in its own
output space.

See again the rejection of claim 9.

19) The method of segmenting a

See col. 11 lines 21-32 and

software work product of claim 2, col. 10 lines 42-64.

further including the steps of:

a) providing a means for at least one agent to aggregate subparts of said parts into a superpart that contains said aggregated subparts.

20) The method of segmenting a See the rejection of claim 19.
software work product of claim 1,
further including a means for at
least one agent to create new
software products and associate
them with said parts.

21) The method of segmenting a See col. 7 lines 48-65.
software work product of claim 1,
wherein said segmenting of the
software work product is physical.

22) The method of segmenting a See col. 8 lines 45-49.
software work product of claim 1,
wherein said segmenting of the
software work product is logical.

23) The method of segmenting a software work product of claim 1, wherein said agent is human or non-human.

See again the rejection of claim 9.

24) The method of segmenting a software work product of claim 1, further including the steps of:

See col. 12 lines 1-58.

a) providing a means for at least one agent to create a new software work product,
b) providing a means that said new software work product is associated with existing software work product,
c) providing a means to store in said memory said association.

25) The method of segmenting a software work product of claim 1, further including the steps of:
a) providing a means for at least one agent to place controls on the kinds

See col. 12 lines 1-12.

of actions that can occur on each
subpart of said parts.

26) The method of segmenting a
software work product of claim 1,
further including the steps of:

See col. 13 line 61-col. 14
line 12.

a) providing a means for at least one
agent to select what subset of said
parts stored in said memory for said
output device to present in said
output space.

27) The method of segmenting a
software work product of claim 1,
further including the steps of:

See the rejection of claim 26
above and Rich' s claim 2.

a) providing a means for at least one
agent to select what subset of said
parts to store in said memory so that
super parts that are stored are not
stored with subpart content, but with
markers to indicate subpart location,
b) providing a means for at least one

agent to expand said parts with said
markers to indicate subpart location
so that said subparts stored in said
memory are presented by said
output device in said output space
in fully expanded manner.

28) The method of segmenting a
software work product of claim 1,
further including the steps of:

See col. 4 lines 27-46.

a) providing a means for at least
one agent to indicate what subset
of said parts said agent will
automatically receive data about
actions on said parts by at least
one other agent,

b) providing a means for at least
one agent to indicate what subset
of said parts said agent will
automatically transmit data about
actions on said subset to at least

one other agent.

29) The method of segmenting a software work product of claim 1, further including the steps of:

See col. 5 lines 14-55.

a) providing a means to record an action on said parts.

30) The method of segmenting a software work product of claim 29 wherein the means to record an action includes storing of electronic signatures associated with said parts.

See col. 8 lines 27-44 and
col. 8 lines 63-67.

31) The method of segmenting a software work product of claim 29 wherein the means to record an action includes storing of the date and time that an agent reviewed said parts.

Note that Rich' s system provides for details of the entire state of the system, col. 11 lines 11-33; which, in an airline system would inherently include date and time for scheduling purposes, col. 12 lines 14-59.

32) The method of segmenting a

See the rejection of claims 27-31.

software work product of claim 1,

further including the steps of:

a) providing a means to associate
actions on subsets of said parts.

33) The method of segmenting a
software work product of claim 32
wherein the means to associate
actions is a workflow action on
said subset of said parts.

34) The method of segmenting a
software work product of claim 32
wherein the means to associate
actions is a project management
action on said subset of said parts.

35) The method of segmenting a
software work product of claim 32
wherein the means to associate
actions is a vote on said subset of
said parts.

36) The method of segmenting a

Rich' s history is considered to
provide for the workflow.

See the discourse manager
(project management) in col. 11
lines 21-33.

The user' s selection is considered
to perform the functionality of the
vote, see col. 12 lines 46-59.

See again col. 12 lines 1-12.

software work product of claim 1,

further including the steps of:

a) providing a means to create

entirely new software work products

from combining said parts from other

software work products.

37) The method of segmenting a
software work product of claim 36
wherein the means to associate
actions is a workflow action.

See the rejection of claim 33.

38) The method of segmenting a
software work product of claim 1,
further including the steps of:
a) providing a means to associate
any part with any other part in the
same or different software work
products.

See col. 12 lines 1-12.

In reference to claim 39, see the rejection of claim 1 above.

As per claim 40, see col. 4 lines 56-66 and col. 12 lines 1-20 in view of claim 1.

Art Unit: 2124

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Chavis whose telephone number is 703-305-9665. The examiner can normally be reached on 8:30 am-5:00 pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3900.

Jqc
December 29, 2003



JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124